

**United States District Court
for the
Northern District of New York
Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Thomas Simmons Case Number: 5:05CR00203-6
Name of Sentencing Judicial Officer: Honorable Frederick J. Scullin, Jr., Senior U.S. District Judge
Date of Original Sentence: August 28, 2007
1st Violation Date: October 1, 2015
2nd Violation Date: May 25, 2018
Original Offense: Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine and Cocaine Base 21 U.S.C. § 846
1st Violation Offense: New Criminal Conduct: Credit Card Fraud, Travel Outside the District Without Permission
2nd Violation Offense: New Criminal Conviction(Possession of Marijuana-Misdemeanor), Possession of Controlled Substance(Marijuana) and Criminal Associations
Original Sentence: 120 months imprisonment, 8 years supervised release
1st Violation Sentence: 24 months imprisonment, 6 years supervised release
2nd Violation Sentence: Time served, 44 months supervised release
Type of Supervision: Supervised release Date Supervision Commenced: May 25, 2018
Asst. U.S. Attorney: Tamara Thomson Defense Attorney: Courtenay McKeon, AFD

PETITIONING THE COURT

[] To issue a warrant
[X] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

- 1 **Standard Condition #4: The defendant shall answer truthfully all inquiries by the Probation Officer.** On January 22, 2019, the offender was questioned if he had consumed alcohol prior to January 15, 2019, when he tested positive for the presence of alcohol. The offender failed to provide a truthful statement by not acknowledging alcohol consumption contrary to a positive breathalyzer and positive urine sample. This information is based on the personal knowledge of the Probation Officer. (Grade C Violation)
- 2 **Special Condition #4: The defendant shall refrain from the use of alcohol and be subject to alcohol testing and treatment while under supervision.** On January 15, 2019, the defendant tested positive for the presence of alcohol by registering a .02% Blood Alcohol Content. In addition, the defendant's urine sample was tested and confirmed for the presence of alcohol metabolites. This information is based on personal knowledge of the Probation Officer and Probation records. (Grade C Violation)

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U.S. Probation Officer Recommendation:

The term of supervision should be:

- ☐ Revoked
☐ Extended for year(s), for a total term of years.

☒ The conditions of supervision should be modified as follows:

1. **You shall perform 100 hours of community service. The site, schedule, and conditions shall be approved by the probation officer.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed

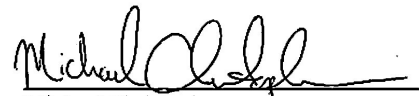
January 24, 2019

on:

Approved by:


Ellen Phillips
Supervising U.S. Probation Officer

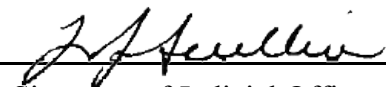
by:


Michael Christopher
US Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Summons
☐ Other
☐ The Issuance of a Warrant. This petition and all documents attached hereto are **SEALED** until such time as the warrant generated by this petition is returned executed.

The District Court Clerk's Office is hereby **ORDERED NOT** to serve a copy of this petition or any of the attached documents upon anyone EXCEPT that a copy is to be served upon law enforcement personnel. Copies shall be served upon the unsealing of the petition.


Signature of Judicial Officer

January 24, 2019

Date